

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FIELD(PLAINTIFF),	)	Case No. FIELD(CASE NUMBER)
	)	
Plaintiff,	)	STANDING ORDER
	)	
v.	)	
	)	
FIELD(DEFENDANT),	)	
	)	
Defendant.	)	
	)	
	)	
	)	

**READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE  
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This action has been assigned to the calendar of Judge  
Virginia A. Phillips.

The responsibility for the progress of litigation in the  
Federal Courts falls not only upon the attorneys in the action, but  
upon the Court as well. To secure the just, speedy, and  
inexpensive determination of every action, (Fed. R. Civ. P. 1), all  
counsel are hereby ordered to become familiar with the Federal  
Rules of Civil Procedure and the Local Rules of the Central  
District of California.\*

1 The Court further orders as follows:

2  
3 **1. Service of the Complaint.** The Plaintiff shall serve the  
4 Complaint promptly in accordance with Fed. R. Civ. P. 4 and Local  
5 Rule 5-3 and file the proofs of service pursuant to Local Rule 5-4.

6  
7 **2. Proposed Orders.** Each party filing or opposing a motion  
8 or seeking the determination of any matter shall serve and file a  
9 proposed order which sets forth the relief or action sought.

10  
11 **3. Presence of Lead Counsel.** All lead trial counsel must  
12 attend, in person, any scheduling and pretrial conferences set by  
13 the Court. Failure of lead trial counsel to appear for those  
14 proceedings is a basis for sanctions.

15  
16 **4. Motions.** Motions shall be filed and set for hearing in  
17 accordance with Local Rule 6-1. Motions will be heard on Mondays  
18 commencing at 2:00 p.m. If Monday is a national holiday, this  
19 Court does not hear motions on the succeeding Tuesday. Any motion  
20 noticed for a holiday shall automatically be set to the next Monday  
21 without further notice to the parties. Any opposition or reply  
22 papers due on a holiday are due the preceding Friday, not the  
23 following Tuesday. Memoranda of Points and Authorities in support  
24 of or in opposition to motions shall not exceed 25 pages. Replies  
25 shall not exceed 12 pages. Only in rare instances, and for good  
26 cause shown, will the Court agree to extend these page limitations.  
27 When citing to legal databases, counsel should cite to Westlaw  
28 rather than Lexis. If Lexis, or some other legal database, is the

1 only database that contains a cited opinion, counsel citing to that  
2 opinion must submit a copy of it (or the relevant portions if it  
3 lengthy) along with the motion or opposition.

4 Unless clearly justified under the circumstances of the case,  
5 "motions to dismiss or in the alternative for summary adjudication"  
6 are discouraged. These composite motions tend to blur the  
7 legitimate distinction[s] between the two motions, which have  
8 different purposes. Frequently, the composite motions introduce  
9 evidence that is extrinsic to the pleadings. On the one hand, such  
10 evidence is improper for consideration in a Fed. R. Civ. P.  
11 12(b)(6) motion, while on the other hand, treatment of the motion  
12 as a Rule 56 motion frequently results in reasonable invocation of  
13 Rule 56(f) by the non-moving party.

14 Moreover, Rule 12(b)(6) motions are discouraged unless counsel  
15 has a good faith belief that such motion will likely result in  
16 dismissal, without leave to amend, of all or at least some of the  
17 claims under applicable law.

18 **Motions for Summary Judgment or Partial Summary Judgment:** No  
19 party may file more than one motion pursuant to Fed. R. Civ. P. 56  
20 regardless of whether such motion is denominated as a motion for  
21 summary judgment or summary adjudication. Parties offering  
22 evidence in support of, or in opposition to, a Rule 56 motion must  
23 cite to specific page and line numbers in depositions and paragraph  
24 numbers in affidavits. Furthermore, such evidence must be  
25 authenticated properly. The Court directs the parties to become  
26 familiar with Orr v. Bank of America, NT & SA, 285 F.3d 764 (9th  
27 Cir. 2002).

1 The moving party's brief shall also be accompanied by an  
2 statement of undisputed facts ("SUF"). The SUF shall be presented  
3 in a table format and include the following columns:

- 4 a. The first column shall contain the number of the  
5 fact alleged to be undisputed. Only facts should be  
6 listed, not legal arguments.
- 7 b. The second column shall contain a plain statement of  
8 the fact. **Facts shall not be compound.** If, for  
9 instance, the required response is that the fact is  
10 disputed in part, the fact is compound. Further,  
11 neither legal arguments nor conclusions constitute  
12 facts.
- 13 c. The third column shall contain a citation to  
14 admissible evidence the party believes supports the  
15 proffered fact.

16 For example:

17 Pl.'s SUF No.	Fact	Supporting Evidence
18 1.	Plaintiff was driving her 19 car when she went through 20 the intersection.	Decl. of Plaintiff ¶ 2.
21 2.	The light was green when 22 Plaintiff went through the intersection.	Decl. of Plaintiff ¶ 4.
23 3.	Plaintiff was driving at 35 24 miles per hour when she traveled through the intersection.	Decl. of Plaintiff ¶ 7; Decl. of Plaintiff's Expert ¶ 14.
25 . . .	. . .	. . .

26 The party opposing the summary judgment motion shall include  
27 with its opposition a statement of genuine issues that includes the  
28 moving party's table; but the opposing party shall add a fourth

column to the moving table identifying those facts that are in dispute, briefly explaining the dispute, and citing the evidence supporting the dispute. The opposing party shall not set forth legal objections in the statement of genuine issues. For example:

Pl.'s SUF No.	Fact	Supporting Evidence	Def.'s Response
1.	Plaintiff was driving her car when she went through the intersection.	Decl. of Plaintiff ¶ 2.	Undisputed.
2.	The light was green when Plaintiff went through the intersection.	Decl. of Plaintiff ¶ 4.	Disputed. The light was red when Plaintiff traveled through the intersection. (Decl. of Defendant ¶ 6.)
3.	Plaintiff was driving at 35 miles per hour when she traveled through the intersection.	Decl. of Plaintiff ¶ 7; Dec. of Plaintiff's Expert ¶ 14.	Disputed. Plaintiff was driving 52 miles per hour when she went through the intersection. (Decl. of Defendant's Expert ¶ 9.)
. . .	. . .	. . .	. . .

If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed for purposes of the motion. See Fed. R. Civ. P. 56(e)(2), L.R. 56-3.

If the party opposing the summary judgment motion wishes to include its own set of undisputed facts, it may include them in a second table at the end of its statement of genuine issues. The

opposing party's undisputed facts shall be set forth in the same manner as the moving party's SUF. For example:

Def.'s SUF No.	Fact	Supporting Evidence
1.	The tires on Plaintiff's car had only 1 millimeter of tread remaining at the time of the accident.	Decl. of Mechanic ¶ 5.
. . .	. . .	. . .

If either party fails to provide a pincite to the supporting evidence, the Court will deem the proffered fact (or dispute) unsupported. See generally Christian Legal Soc. v. Wu, 626 F.3d 483, 488 (9th Cir. 2010) ("Judges are not like pigs, hunting for truffles buried in briefs." (quoting Greenwood v. FAA, 28 F.3d 971, 977 (9th Cir. 1994) (quoting United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) (per curiam)) (alteration omitted)))).

Additionally, parties shall file any legal objections to the other party's proffered evidence under separate cover.

**5. Withdrawal or Non-Opposition of Motions: In the event that the parties are able to resolve a pending motion, they must notify the Court approximately one week before the hearing date.** Sanctions may issue for failure to comply with this requirement, or the broader requirement in Local Rule 7-16 that any party who intends either to withdraw a motion, to not oppose a motion, or to seek a continuance of the hearing date for a motion, **must notify the court by noon on the Tuesday preceding the hearing date.**

1       **6. Electronic filing.** As of January 1, 2008, the United  
2 States District Court for the Central District of California  
3 implemented mandatory electronic filing ("e-filing") of documents  
4 in all new and pending civil cases. Information about the Court's  
5 Electronic Case Filing system, is available on the Court's website  
6 at [www.cacd.uscourts.gov/cmecf](http://www.cacd.uscourts.gov/cmecf).

7       The "e-filing" of all documents required to be "e-filed" in  
8 this matter pursuant to General Order No. 10-07 and Local Rule 5-4  
9 shall be completed by **4:00 p.m. on the date due**. Any documents  
10 "e-filed" after 4:00 p.m. on the date due will be considered  
11 **untimely**. Any documents that fail to comply with Local Rule 5-4,  
12 and particularly Local Rule 5-4.3.1 may be rejected.

13  
14       **7. Mandatory chambers copies.** The Court requires ONE  
15 mandatory chambers copy of ONLY the following filed documents:

- 16       **a. Motions and related documents;**  
17       **b. *Ex parte* applications and related documents;**  
18       **c. Joint rule 26(f) reports.**

19 Such chambers copies shall be delivered to the "Courtesy Box,"  
20 located outside of Courtroom 2 on the 2nd floor at the United  
21 States District Court, 3470 Twelfth Street, Riverside, California  
22 92501, no later than 5:00 p.m. on the day following "e-filing."  
23 All chambers copies shall comply fully with the document formatting  
24 requirements of Local Rules 5-4, 11-3, and 11-4 including the "pre-  
25 punching," "backing," and "tabbing" requirements of Local Rules  
26 11-3.5, 11-4.1, and 11-5.3, respectively. If the filing party and  
27  
28

1 their counsel fail to deliver a mandatory chambers copy in full  
2 compliance with this Order and Local Rule 11-3, the Court may, on  
3 its own motion, reschedule any related hearing, as well as imposing  
4 sanctions.

5  
6 **8. Discovery.** All discovery matters have been referred to a  
7 United States Magistrate Judge (see initial designation following  
8 the case number) to hear all discovery disputes. The words  
9 "DISCOVERY MATTER" shall appear in the caption of all documents  
10 relating to discovery to insure proper routing. Counsel are  
11 directed to contact the Magistrate Judge Courtroom Deputy Clerk for  
12 the assigned Magistrate Judge to schedule matters for hearing.

13 The decision of the Magistrate Judge shall be final, subject  
14 to modification by the District Court only where it has been shown  
15 that the Magistrate Judge's order is clearly erroneous or contrary  
16 to law.

17 Any party may file and serve a motion for review and  
18 reconsideration before this court. The party seeking review must  
19 do so within ten (10) days of service upon the party of a written  
20 ruling or within ten (10) days of an oral ruling that the  
21 Magistrate Judge states will not be followed by a written ruling.  
22 The motion must specify which portions of the text are clearly  
23 erroneous or contrary to law and the claim must be supported by  
24 points and authorities. A copy of the moving papers and responses  
25 shall be delivered to the Magistrate Judge's clerk for review upon  
26 the filing of the required documents.



1           **9. Ex Parte Applications.** *Ex parte* applications are  
2 considered on the papers and are not usually set for hearing.  
3 Counsel are advised that this Court allows *ex parte* applications  
4 solely for extraordinary relief -- sanctions may be imposed for  
5 misuse of *ex parte* applications. See In re Intermagnetics Am.,  
6 Inc., 101 B.R. 191 (Bankr. C.D. Cal. 1989). Counsel also should  
7 become familiar with Mission Power Engineering Co. v. Continental  
8 Casualty Co., 883 F. Supp. 488 (C.D. Cal. 1995), regarding *ex parte*  
9 applications.

10           Counsel's attention is directed to Local Rule 7-19. The  
11 moving party shall serve the opposing party by facsimile  
12 transmission and shall notify the opposition that opposing papers  
13 must be filed not later than twenty-four hours following such  
14 facsimile service. The moving party's declaration in support of an  
15 *ex parte* application shall show compliance with Local Rule 7-19 and  
16 this Order, failing which the application shall be DENIED. If  
17 counsel does not intend to oppose an *ex parte* application, they  
18 must so inform the Courtroom Deputy Clerk, (951) 328-4461. As with  
19 all motion papers, counsel must deliver a conformed courtesy copy  
20 of the papers to the "Courtesy Box", located outside of Courtroom 2  
21 on the 2nd floor at United States District Court, 3470 Twelfth  
22 Street, Riverside, California 92501. Counsel will be notified by  
23 the Courtroom Deputy Clerk of the Court's ruling or of a hearing  
24 time and date should the Court determine that a hearing is  
25 necessary.

1       **10. Class Actions.** Notwithstanding Local Rule 23-3, the  
2 deadline for the filing of a motion for class certification will be  
3 set during the Scheduling Conference and/or in a Scheduling Order.  
4 **NO REQUEST FOR RELIEF FROM LOCAL RULE 23-3 IS NECESSARY.**

5  
6       **11. Stipulations.** Stipulations extending scheduling dates  
7 set by this Court are not effective unless approved by the Court.  
8 Counsel requesting a continuance must submit a stipulation, with a  
9 detailed declaration of the basis for the requested continuance or  
10 extension of time, and a proposed order. Continuances will be  
11 granted only upon a showing of good cause, focusing on the  
12 diligence of the party seeking the continuance and any prejudice  
13 that may result if the continuance is denied. Any continuances  
14 that are requested without an accompanying declaration will be  
15 rejected without notice to the parties. The Court sets **firm** trial  
16 dates and will not change them without a showing of good cause.

17  
18       **12. Applications to File Under Seal.** Parties are reminded  
19 that court proceedings are presumptively public, and no document  
20 shall be filed under seal without request for a court order that is  
21 narrowly tailored to cover only the document, the particular  
22 portion of the document, or category of documents for which good  
23 cause exists for filing under seal. To that end, if a party wishes  
24 to file a document under seal, that party shall first file a  
25 written request for a sealing order setting forth the good cause  
26 and accompanied by a proposed order that is narrowly tailored as  
27 specified above.

1 If the sole ground for the sealing order is that the opposing  
2 party (or non-party) has designated the document as confidential,  
3 the opposing party (or non-party) shall file a declaration  
4 establishing good cause for the sealing along with a proposed  
5 order, or shall withdraw the designation. The declaration shall be  
6 filed within five days of service on the opposing party (or non-  
7 party) of the request for a sealing order. If the declaration is  
8 not filed as required, the Court may order that the document be  
9 filed in the public record.

10 **Use of Sealed Documents in Motion Papers:** The Court cautions  
11 parties that documents designated as confidential that are attached  
12 as exhibits to case-dispositive motions, or redacted portions of  
13 case-dispositive briefs that contain confidential information, must  
14 meet the high "compelling reasons" threshold. See Kamakana v. City  
15 of Honolulu, 447 F.3d 1172 (9th Cir. 2006). A good cause showing,  
16 without more, will not satisfy a compelling reasons test, but will  
17 only suffice to maintain the confidentiality of documents attached  
18 to *non-dispositive* motions. Documents designated as confidential  
19 in conjunction with case-dispositive motions or briefs that do not  
20 satisfy the compelling reasons test may accordingly be re-  
21 designated as public information upon proper request. See Foltz v.  
22 State Farm Mut. Auto. Ins. Co., 331 F.3d 1122 (9th Cir. 2003).

23 **Use of Sealed or Confidential Documents at Trial:**  
24 Notwithstanding any provision of a protective order to the  
25 contrary, any document, whether previously designated confidential  
26 or previously sealed, will be unsealed and will lose its  
27 confidential status if offered as an exhibit at trial, absent a  
28 showing of the "most compelling" reasons. See Manual for Complex

1 Litigation § 21.432; Foltz, 331 F.3d at 1135-36. Any party  
2 believing that a document, portions thereof, or witness testimony  
3 should remain confidential or sealed during trial must request in  
4 advance of trial that the court take extraordinary measures, such  
5 as closing the courtroom to the public or sealing the trial  
6 transcript, to protect the confidentiality of that information.  
7 The request must be made in writing and filed no later than the  
8 date on which pretrial papers are due.

9 If previously sealed documents are ordered unsealed for use at  
10 trial, counsel for the party offering the document as evidence  
11 shall, within two business days of the conclusion of the trial,  
12 identify which entries on the docket represent the exhibits  
13 actually received. Counsel are required to cooperate with the  
14 deputy clerk in order to complete the unsealing process in cases  
15 involving voluminous sealed documents.

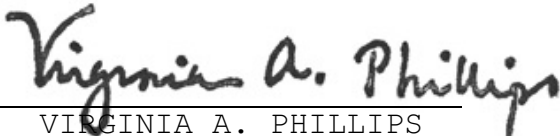
16  
17 **13. Removed Actions.** Any answers filed in state court must  
18 be re-filed in this Court (separately) as a supplement to the  
19 petition. Any pending motions must be re-noticed in accordance  
20 with Local Rule 6-1.

21  
22 **14. Communications with Chambers.** Counsel shall not attempt  
23 to contact the Court or its Chambers staff by telephone or by any  
24 other *ex parte* means. Counsel must list their facsimile  
25 transmission numbers along with their telephone numbers on their  
26 papers.

1       **15. Notice of this Order.** Counsel for plaintiff, or  
2 plaintiff, if appearing on his or her own behalf, shall immediately  
3 serve this Order on all parties, including any new parties to the  
4 action. If this case came to the Court by noticed removal, the  
5 removing defendant shall serve this Order on all other parties.  
6

7       **16. Internet Site.** Counsel are directed to review the  
8 Central District's website for additional information. The address  
9 is "<http://www.cacd.uscourts.gov>".  
10

11  
12 Dated: June 22, 2015

  
\_\_\_\_\_  
VIRGINIA A. PHILLIPS  
United States District Judge

14  
15 \* Copies of the Local Rules are available on our website at  
16 "<http://www.cacd.uscourts.gov>" or they may be purchased from one of  
the following:

17       Los Angeles Daily Journal  
18       915 East 1st Street  
19       Los Angeles, California 90012

20       West Publishing Company  
21       610 Opperman Drive  
22       Post Office Box 64526  
23       St. Paul, Minnesota 55164-0526

24       Metropolitan News  
25       210 South Spring Street  
26       Los Angeles, California 90012  
27  
28